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1627

CASE 4-30730A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1627

AUER ET AL.

Examiner: M. Garcia

APPLICATION NO: 09/754,958

FILED: JANUARY 5, 2001

FOR: FLUORESCENT DYES (AIDA) FOR SOLID PHASE AND SOLUTION PHASE SCREENING

Assistant Commissioner for Patents
Washington, D.C. 20231REPLY

Sir:

This is in reply to a Notice of Non-response dated December 2, 2002.

The Notice is traversed. Original claim 3 was rejected in the Office Action dated April 9, 2002 in part because the Examiner considered "E" to be "completely confusing". Applicants have now removed E from the formulae and are claiming the non-E portion of original claim 3. This is deemed to be responsive to the Examiner's previous basis for rejection.

The Examiner states that the present claims would require completely different searches. This statement is also traversed. All of the present compounds necessarily contain a subgroup C, which are compounds of formula I. Since compounds of formula I have been patented (see the parent application, now U.S.P. 6,207,831), all the compounds of formulae II and III wherein C is defined as in the patent must be patentable as well, i.e., no selection of any of the other subgroups A, B, D, D' can render the claims non-patentable over the art. Therefore, no "completely different searches" are necessary.

Lastly, claim 14 does contain an "E".

It is requested that the Examiner withdraw the Notice and act on the claims presented in the Reply of September 9, 2002.

Respectfully submitted,


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